

**Title 22: HEALTH AND WELFARE**  
**Chapter 1671: CHILD PLACING AGENCY**

**Table of Contents**

<b>Subtitle 6. FACILITIES FOR CHILDREN AND ADULTS.....</b>	
Section 8201. DEFINITION OF CHILD PLACING AGENCY.....	3
Section 8202. RULES.....	3
Section 8203. ADDITIONAL LICENSE PERMITTED.....	3
Section 8204. INDIVIDUALS PLACING CHILDREN FOR ADOPTION.....	3
Section 8205. COLLECTION AND DISCLOSURE OF INFORMATION ABOUT A CHILD'S BACKGROUND.....	4
Section 8206. PREADOPTIVE HOMES AS FOSTER HOMES.....	5



**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 1671: CHILD PLACING AGENCY**

**§8201. DEFINITION OF CHILD PLACING AGENCY**

As used in this subtitle, the term "child placing agency" means a facility which advertises itself or holds itself out as finding homes for or otherwise placing children under the age of 18, in homes where care is provided on the basis of 24 hours a day. [1983, c. 625, (AMD).]

SECTION HISTORY

1975, c. 719, §6 (NEW). 1983, c. 625, (AMD).

**§8202. RULES**

**1. Rules promulgated.** The department shall promulgate rules for child placing agencies which shall include, but need not be limited to, rules pertaining to the appropriateness of placement, the continued welfare of the child placed and licensing procedures.

[ 1975, c. 719, §6 (NEW) .]

**2.**

[ 1977, c. 694, §380 (RP) .]

SECTION HISTORY

1975, c. 719, §6 (NEW). 1977, c. 694, §380 (AMD).

**§8203. ADDITIONAL LICENSE PERMITTED**

A licensed children's home may also be licensed as a child placing agency if the children's home complies with the law and rules applicable to child placing agencies. [1975, c. 719, §6 (NEW).]

SECTION HISTORY

1975, c. 719, §6 (NEW).

**§8204. INDIVIDUALS PLACING CHILDREN FOR ADOPTION**

**1. License required.** Any individual who operates a child placing agency shall be subject to the licensing requirements of the department, as specified under this chapter and under chapter 1663. Any individual who advertises himself or holds himself out as placing or finding homes for children for the purpose of adoption, shall be deemed to operate a child placing agency.

[ 1977, c. 515, §3 (NEW) .]

**2. License not required.** Any individual who does not advertise himself or hold himself out as placing or finding homes for children for the purpose of adoption, but who places or assists in placing a child for adoption, shall not be deemed to operate a child placing agency and shall not be subject to the licensing requirements of the department, as specified under this chapter and under chapter 1663.

[ 1977, c. 515, §3 (NEW) .]

**3. Fees; violation and penalty.** No individual who places or assists in placing a child for adoption shall charge a fee which represents more than the reasonable costs of the services provided.

Violation of this subsection shall be a Class D crime.

[ 1977, c. 515, §3 (NEW) .]

#### SECTION HISTORY

1977, c. 515, §3 (NEW).

## §8205. COLLECTION AND DISCLOSURE OF INFORMATION ABOUT A CHILD'S BACKGROUND

This section governs the collection and disclosure of information about the child's background. [1995, c. 391, §3 (RPR).]

**1. Information to be collected.** The licensed child placing agency shall obtain medical and genetic information on the birth parents and the child. Specifically, the licensed child placing agency shall attempt to obtain:

A. A current medical, psychological and developmental history of the child, including an account of the child's prenatal care, medical condition at birth, results of newborn screening, any drug or medication taken by the child's birth mother during pregnancy, any subsequent medical, psychological or psychiatric examination and diagnosis, any physical, sexual or emotional abuse suffered by the child and a record of any immunizations and health care received since birth; and [1995, c. 391, §3 (NEW).]

B. Relevant information concerning the medical, psychological and social history of the birth parents, including any known disease or hereditary disposition to disease, the history of use of drugs and alcohol, the health of the birth mother during her pregnancy and the health of the birth parents at the time of the child's birth. [1995, c. 391, §3 (NEW).]

[ 1995, c. 391, §3 (NEW) .]

**2. Disclosure before placement.** Prior to the child being placed for the purpose of adoption, the licensed child placing agency shall provide the information described in subsection 1 to the prospective adoptive parents.

[ 1995, c. 391, §3 (NEW) .]

**3. Specific reasons for concern.** If the licensed child placing agency has specific, articulable reasons to question the truth or accuracy of any of the information obtained, those reasons must be disclosed in writing to the prospective adoptive parents.

[ 1995, c. 391, §3 (NEW) .]

**4. Notice that information unavailable.** The prospective adoptive parents must be informed in writing if any of the information described in subsection 2 can not be obtained, either because the records are unavailable or because the birth parents are unable or unwilling to consent to its disclosure or to be interviewed.

[ 1995, c. 391, §3 (NEW) .]

**5. Request for additional information.** If, after a child is placed for adoption and either before or after the adoption is final, the child suffers a serious medical or mental illness for which the specific medical, psychological or social history of the birth parents or the child may be useful in diagnosing or treating such illness, the prospective adoptive or adoptive parents may request the child placing agency to attempt to obtain

additional information. The child placing agency shall attempt to obtain the information promptly and shall disclose any information collected to the prospective adoptive or adoptive parents as soon as reasonably possible. The licensed child placing agency may charge a fee to the prospective adoptive or adoptive parents to cover the cost of obtaining and providing the additional information. Fees collected by the department must be dedicated to defray the costs of obtaining and providing the additional information. Fees may be reduced or waived for low-income prospective adoptive or adoptive parents.

[ 1995, c. 391, §3 (NEW) . ]

**6. International adoptions.** If the child to be placed for adoption is from a foreign country that has jurisdiction over the child and the prospective adoptive parents are United States citizens, compliance with federal and international adoption laws is deemed to be compliance with this section.

[ 1995, c. 391, §3 (NEW) . ]

#### SECTION HISTORY

1991, c. 630, §5 (NEW). 1995, c. 391, §3 (RPR).

## §8206. PREADOPTIVE HOMES AS FOSTER HOMES

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Foster home" means a child's home that is a private dwelling where substitute parental care is provided within a family on a regular, 24-hour-a-day, residential basis. [1999, c. 265, §1 (NEW) . ]

B. "Preadoptive parent" means a person who has entered into an agreement with a licensed private child-placing agency that has certified the person as a potential adoptive parent who will accept a child into care with the intent to adopt that child. [1999, c. 265, §1 (NEW) . ]

[ 1999, c. 265, §1 (NEW) . ]

**2. Home certification.** Pursuant to rules adopted by the department, a licensed private child-placing agency may certify a preadoptive parent's home as a foster home for a child placed in that home awaiting adoption by the preadoptive parent. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

[ 1999, c. 265, §1 (NEW) . ]

#### SECTION HISTORY

1999, c. 265, §1 (NEW) .

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